

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVE A. CRANDALL, DOLLY BEULAH)
MILDRED CRANDALL, and GARY)
DAVID CRANDALL,)

8:10CV122

Plaintiffs,)

v.)

MEMORANDUM AND ORDER

SARPY COUNTY NEBRASKA,)

Defendant.)

This matter is before the court on defendant's motion to remand, Filing No. [4](#), and motion for attorney fees and Rule 11 Sanctions, Filing No. [12](#). The magistrate judge issued his findings and recommendation. Filing No. [18](#). The magistrate judge determined that this court should remand the case to Sarpy County, Nebraska District Court. The magistrate judge further recommended that this court deny the motion for sanctions and permit the state court to determine if sanctions are appropriate. No objection has been filed to the findings and recommendation of the magistrate judge.

A district court reviews de novo those portions of a magistrate's order that are objected to by a party. [Grinder v. Gammon, 73 F.3d 793, 792 \(8th Circuit 1996\)](#). "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." [28 U.S.C. § 636\(b\)\(1\)](#) (2009). A district court may reconsider a magistrate judge's ruling where it has been shown that the ruling is clearly erroneous or contrary to law. [Ferguson v. United States, 484 F.3d 1068, 1076 \(8th Cir. 2007\)](#) (citing 28 U.S.C. § 636(b)(1)(A) (2009)).

The court has carefully reviewed the record and finds that the magistrate judge's recommendation should be adopted in all respects.

THEREFORE, IT IS ORDERED:

1. The motion to remand, Filing No. [4](#), is granted;
2. The motion for sanctions, Filing No. [12](#), is denied without prejudice to reassertion in Sarpy County District Court; and
3. The findings and recommendation of the magistrate judge, Filing No. [18](#), is adopted in its entirety.

DATED this 2nd day of August, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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